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10 UNITED STATES DISTRICT COURT

11 NORTHERN DISTRICT OF CALIFORNIA, SAN FRANCISCO DIVISION

12 WAYMO LLC,

13 Plaintiff,

14 vs.

15 UBER TECHNOLOGIES, INC.;  
16 OTTOMOTTO LLC; OTTO TRUCKING  
LLC,

17 Defendants.

CASE NO. 3:17-cv-00939-WHA

**PLAINTIFF WAYMO LLC'S  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL ITS MOTION TO  
EXCLUDE DEFENDANTS' DAMAGES  
EXPERT WALTER BRATIC**

Pursuant to Civil L.R. 7-11 and 79-5, Plaintiff Waymo LLC (“Waymo”) respectfully requests to file under seal portions of exhibits to its Motion to Exclude Defendants’ Damages Expert Walter Bratic (“Waymo’s Motion”). Specifically, Waymo requests an order granting leave to file under seal the portions of the documents as listed below:

Document	Portions to Be Filed Under Seal	Designating Party
Exhibit 1 to Waymo’s Motion to Exclude Defendants’ Damages Expert Walter Bratic (“Waymo’s Motion”)	Entire document	Defendants
Exhibit 2 to Waymo’s Motion	Entire document	Waymo and Defendants

### **I. LEGAL STANDARD**

Civil Local Rule 79-5 requires that a party seeking sealing “establish[] that the document, or portions thereof, are privileged, protectable as a trade secret or otherwise entitled to protection under the law” (*i.e.*, is “sealable”). Civil L.R. 79-5(b). The sealing request must also “be narrowly tailored to seek sealing only of sealable material.” *Id.* In the context of non-dispositive motions, materials may be sealed so long as the party seeking sealing makes a “particularized showing” under the “good cause” standard of Federal Rule of Civil Procedure 26(c). *Kamakana v. City & Cnty. of Honolulu*, 447 F.3d 1172, 1180 (9th Cir. 2006) (quoting *Foltz v. State Farm Mutual Auto Insurance Co.*, 331 F.3d 1122, 1135, 1138 (9th Cir. 2003)).

### **II. DEFENDANTS’ CONFIDENTIAL INFORMATION**

Waymo seeks to seal identified portions of these documents because Defendants have designated the information confidential and/or highly confidential. Declaration of Lindsay Cooper (“Cooper Decl.”) ¶ 3. Waymo takes no position on the merits of sealing the designated material, and expects Defendants to file one or more declarations in accordance with the Local Rules.

### **III. THE COURT SHOULD SEAL WAYMO’S CONFIDENTIAL INFORMATION**

The Court should seal the portions of exhibits to Waymo’s Motion as identified by Waymo in the table above. Waymo seeks to file this information under seal because it discloses Waymo’s trade secrets and confidential business information. *See* Cooper Dec., ¶ 4. Courts have determined that

1 trade secret information merits sealing. *Music Grp. Macao Commercial Offshore Ltd. v. Foote*, No.  
 2 14-cv-03078-JSC, 2015 WL 3993147, at \*1 (N.D. Cal. June 30, 2015) (quoting *Kamakana*, 447 F.3d  
 3 at 1179); *see also Brocade Commc'ns Sys., Inc. v. A10 Networks, Inc.*, No. C 10-3428 PSG, 2013 WL  
 4 211115, at \*1, \*3 (N.D. Cal. Jan. 17, 2013) (granting request to seal document that “consists entirely  
 5 of descriptions of Brocade’s trade secrets.”). Waymo seeks to seal trade secret information that fit  
 6 squarely within these categories. Cooper Dec. ¶ 4. Waymo maintains this information as a trade  
 7 secret (*see* Dkt. 25-31) and ensures the information remains secret with strict secrecy and security  
 8 protocols (*see* Dkt. 25-47; Dkt. 25-49.). *Id.* Waymo has narrowly tailored its requests to only  
 9 information meriting sealing. *Id.* The disclosure of Waymo’s trade secrets would harm Waymo.  
 10 Cooper Dec. ¶ 4. Moreover, the scope of information that Waymo is seeking to seal is consistent with  
 11 other administrative motions to seal that have already been granted by the Court in this case. (*See*  
 12 Dkt. 681.) Thus, the Court should grant Waymo’s administrative motion to seal.

#### 13 **IV. CONCLUSION**

14 In compliance with Civil Local Rule 79-5(d), redacted and unredacted versions of the  
 15 above listed documents accompany this Administrative Motion. For the foregoing reasons,  
 16 Waymo respectfully requests that the Court grant Waymo’s administrative motion to file under  
 17 seal.

19 DATED: November 27, 2017

QUINN EMANUEL URQUHART & SULLIVAN,  
 LLP

21 By /s/ Charles Verhoeven

Charles Verhoeven  
 Attorneys for WAYMO LLC